

FILED

OCT 25 2012

**Clerk, U.S. District Court
District Of Montana
Missoula**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Cause No. CR 10-21-BU-DWM

Plaintiff/Respondent,

vs.

ORDER

JEFFREY KYLE EICHMANN,

Defendant/Movant.

On July 30, 2012, Defendant/Movant Jeffrey Kyle Eichmann ("Eichmann"), a federal prisoner proceeding pro se, filed a motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Eichmann also filed a brief in support.

The motion is subject to preliminary review to determine whether "the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief." 28 U.S.C. § 2255(b); *see also* Rule 4(b), Rules Governing Section 2255 Proceedings for the United States District Courts.

Because Eichmann did not appeal, the transcript of the sentencing proceeding

was not prepared. It is necessary to complete the record for review of Eichmann's claims.

Further, Eichmann states, "The United States sent counselor a plea offer. Counsel refused to acknowledge same nor would he consider a counter offer. Instead he guided movant to accept an 'open plea.'" Mem. (doc. 46) at 16.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Pursuant to 28 U.S.C. § 753(f), the Court CERTIFIES that the transcript of the sentencing hearing on May 24, 2011, is required to decide the issues presented by Eichmann.

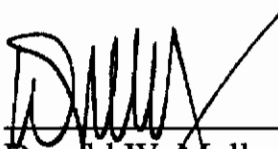
2. The United States shall immediately order the transcript of that hearing for the Court's file, with copies to be delivered to Jeffrey Kyle Eichmann # 11127-046, FCI Big Spring, Federal Correctional Institution, 1900 Simler Ave., Big Spring, TX 79720.

3. On or before **November 12, 2012**, the United States must file with the Court and serve on Eichmann all plea offers made to Eichmann's counsel in the course of the underlying proceeding.

Eichmann must immediately notify the Court of any change in his mailing address by filing a "Notice of Change of Address." Failure to do so may result in

dismissal of his motion without notice to him.

DATED this 25 day of October, 2012.



Donald W. Molloy
United States District Court

